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FACSIMILE TRANSMITTAL FORM

FAX NUMBER:	(571) 273-8300
TRANSMITTED TO:	Central Fax
OF:	U.S. Patent and Trademark Office
FROM:	Ernest J. Beffel, Jr.
CLIENT/MATTER:	Application No. 09/708,944 (BLFR 1000-1)
DATE:	6 March 2006


TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET:	20
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Atty Docket No. BLFR 1000-1

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Lyne M. Milliot

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert E. DVORAK

Application No. 09/708,944

Confirmation No. 3032

Filed: 08 November 2000

Title: **METHOD AND APPARATUS FOR
DISTRIBUTION OF FASHION AND
SEASONAL GOODS**

Group Art Unit: 3623

Examiner: Romain JEANTY

CUSTOMER NO. 22470

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF RESPONSE AND AMENDMENTS
AND REQUEST FOR CONTINUED EXAMINATION (RCE)**

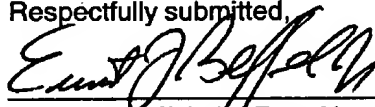
Sir:

In connection with the above-referenced U.S. patent application, transmitted herewith are the following document(s):

- ☒ **Response and Amendments Removing Case from Appeal and Interview Request;**
- ☒ **Request for Continued Examination (RCE);**
- ☒ **Statement of Substance of Interview; and**
- ☒ **Credit Card Authorization Form (PTO-2038) authorizing a charge of \$395 in payment of the following fee(s): (i) fee for Request for Continued Examination (\$395) (Small Entity).**

The Examiner is hereby authorized to charge Deposit Account No. 50-0869 (BLFR 1000-1) for any deficit or overpayment of any fees associated with this document.

Respectfully submitted,


Ernest J. Beffel, Jr., Reg. No. 43,489

Dated: 06 March 2006

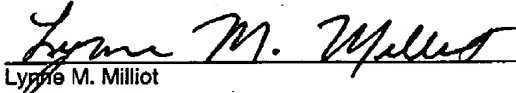
HAYNES BEFFEL & WOLFELD LLP
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Atty Docket No.: BLFR 1000-1

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Lynne M. Milliot

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert E. DVORAK et al.

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COMMISSIONER FOR PATENTS
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Alexandria, VA 22313-1450

STATEMENT OF SUBSTANCE OF INTERVIEW

Sir:

In connection with telephone conversations with Examiner Jeanty during the week of on February 27, 2006, in the above-referenced patent application, Applicants hereby submit this Statement of Substance of Interview.

On or about February 27th, Examiner Jeanty called to inquire about the status of the application pending before Examiner Hir. We promised to call Examiner Hir and inquire.

On or about February 28th, we advised Examiner Jeanty that the application was not yet up on Examiner Hir's docket. He encouraged us to add to this case limitations similar to limitations introduced in amendments to claims in the other case.

On or about March 1st, we advised Examiner Jeanty that the limitations in Examiner Hir's case were not compatible with the sort of claims made in this case.

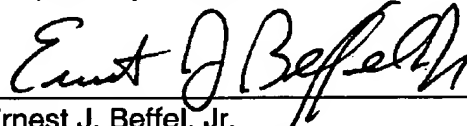
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Application No.: 09/905,255**Atty Docket: BLFR 1000-1**

On or about March 3rd, we submitted a draft amendment in substantially the form attached. We discussed this draft amendment with Examiner Jeanty. No agreements were reached regarding the allowability of the amended claim, but we asked about § 102, § 112 and the art presently of record, as those issues could readily be addressed without a supplemental search. We understood Examiner Jeanty to indicate that, except for considering whether the application adequately supported the claims (new matter issue), he was comfortable that the draft amendment would not present §§ 102 or 112 issues and would distinguish over the art of record. We understood that the new matter issue was reserved because the Examiner had not reviewed the text of the application. Still, a supplemental search would need to be conducted regarding the amended claims and the results of the search could not be predetermined. We indicated that an RCE application would most likely follow.

Should it be determined that any fees are required with regard to the filing of this document, the Commissioner is hereby authorized to charge Deposit Account No. 50-0869 (BLFR 1000-1) accordingly.

Respectfully submitted,



Ernest J. Beffel, Jr.
Registration No. 43,489

Dated: 6 March 2006

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(draft amendment – not to be entered -- facsimile follows)

Application No.: 09/905,255

Atty Docket: BLFR 1000-1

1. (draft amendment – not to be entered) A computer-implemented method for adjusting a retail location-product specific selling profile for a product, the computer-implemented method including:

collecting on machine-readable memory a multitude of retail location, product specific selling profiles that record daily or more frequent historical data for sales, the historical data reflecting at least random variations in sales, systematic variations in sales due to day of the week and day of the year, and systematic variations in sales due to any promotions benefiting the retail location;

maintaining on machine-readable memory a retail location, product specific promotions calendar that includes historical data that tracks promotion of the product at the retail location by effective dates and by type of promotion, the type of promotion corresponding to an estimated systematic variation in sales caused by the type of promotion;

repeatedly for at least one product across a plurality of retail locations,

retrieving ~~from a machine-readable memory at least one~~ the retail location-product specific selling ~~profile~~ profile for a selected historical period; ~~that includes accumulated daily or more frequent historical data for at least one product;~~

accessing ~~a~~ the retail location promotions calendar data and identifying any promotions that benefited the retail location during the selected historical period; ~~that includes historical data that tracks promotion of the product at the location;~~ and

automatically adjusting the historical data in the retail location-product specific selling profile to ~~correct for one or more~~ reflect the estimated systematic variation in sales caused by the promotions of the product at the retail location; and

storing to machine-readable memory the automatically adjusted historical data.